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Report of the Secretary-General on the situation in Somalia

I. Introduction

1. The present report is submitted pursuant to the statement by the President of the Security Council of 31 October 2001 (S/PRST/2001/30), in which the Council requested me to submit reports at least every four months on the situation in Somalia and the efforts to promote the peace process, as well as to operative paragraph 13 of Security Council resolution 1872 (2009), in which the Council requested me to take the steps identified in paragraphs 82 to 86 of my report of 16 April 2009 (S/2009/210) and to report on progress. The present combined report provides an update on major developments in Somalia since my reports of 20 July 2009 (S/2009/373) and 2 October 2009 (S/2009/503), and assesses the political, security, human rights and humanitarian situation, as well as progress made in implementing the three-phased incremental approach set out in my April 2009 report. It also covers the operational activities of the United Nations and the international community's counter-piracy efforts further to my report of 13 November (S/2009/590).

II. Main developments in Somalia

A. Political developments

2. The Transitional Federal Government continued to consolidate and expand its support base on three fronts. First, the Government intensified efforts to expand its support base among the main opposition groups in Mogadishu; secondly, the cooperation between the Government and Ahlu Sunna Wal Jama'a (ASWJ) was consolidated; and thirdly, the Government commenced an in-depth review of its relationship with the "Puntland" regional authorities. An increasing number of elements from the armed opposition have renounced violence and opted to work for peace in partnership with the Government. This includes the defection of Mohamed Faruq and Ali Hassan Gheddi, two senior Al-Shabaab operatives, together with some 550 fighters, indicating growing divisions within Al-Shabaab.

3. The Transitional Federal Government continued to lack adequate and regular resources to assist those defecting from the insurgent groups. By 30 November, it had received $5.6 million out of the $58 million pledged in Brussels in April 2009, of which $3 million was directly disbursed to its account managed by

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PricewaterhouseCoopers, the accounting firm it had hired to improve its financial accountability, while $2.6 million was paid as stipend to the Somali security forces through the African Union.

4. Further to the cooperation agreement signed between the Transitional Federal Government and ASWJ on 21 June 2009, the two are currently exploring modalities for the implementation of political and military cooperation, including power-sharing. My Special Representative is supporting the full implementation of the cooperation agreement signed on 23 August between the Government and "Puntland" authorities, which covers political cooperation, including locating the Independent Federal Constitutional Commission in "Puntland", and security cooperation, notably in the area of counter-piracy.

5. In a sign of improved functionality, the Transitional Federal Government finalized its budget estimate for July-December 2009 at $55.2 million and forecast $110.4 million in expenditure for 2010. The salaries of national security forces account for half of the budget, with the remaining funding allocated to the Transitional Federal Institutions. Eighty per cent of the budget is reliant on external assistance, with the rest funded from revenue generated mainly by Mogadishu seaport and airport. The lifting of a ban by Saudi Arabia on the importation of livestock from Somalia was hailed by the Somali cabinet, livestock farmers and the business community as a measure that will contribute to increasing Government revenues.

6. The Transitional Federal Government is working on a stabilization programme based on the political, social and development priorities identified for implementation during the remainder of the transitional period. In addition, the Government is working to manage the security challenges that have prevented the Transitional Federal Parliament from operating more effectively. The Parliament reconvened on 21 December 2009, after being unable to meet for four consecutive months due to the absence from Somalia of several members of Parliament. The cabinet approved both the appointment of Mohamed Omar Farah as Chief Judge of the Somali Supreme Court and the replacement of its senior military and police leadership in an attempt to shore up its internal security apparatus. Colonel Mohamed Gelle Kahiye was appointed as the new military commander, and General Ali Mohammed Hassan took command of the Somali Police Force.

7. An important development that may encourage other countries to re-establish a presence in Mogadishu is the decision taken in late October by the Government of Djibouti to reopen its Embassy in Mogadishu, which had been closed in 1991. On 1 November, President Sheikh Sharif Sheikh Ahmed received letters of credence from the new Ambassador of Djibouti.

8. In "Somaliland", tension escalated in early September after the National Electoral Commission announced a postponement of the presidential election that had been scheduled to take place on 27 September. This was the fifth deferral of the ballot, which had initially been planned for April 2008. The resulting tension eased with the extension for one month of the terms of the President and the Vice President and with the signing on 30 September of a memorandum of understanding between the ruling party, the United People's Democratic Party, and the two opposition parties, Kulmiye and the Justice and Welfare Party. The memorandum, mediated by Ethiopia and the United Kingdom of Great Britain and Northern Ireland, outlined the steps to be taken towards the holding of the

presidential election. Under the memorandum, the three political parties agreed to postpone the elections pending the completion of the voter registration, to advance the presidential poll ahead of local council elections, to establish a new local National Electoral Commission; and to establish a technical committee responsible for implementing confidence-building measures and for facilitating a consensual approach to future problems. I am pleased to note that the parties have moved forward and that new members of the Commission were sworn in on 28 October.

9. The political situation in the autonomous region of "Puntland" remained generally calm, despite violent incidents linked to inter-clan fighting, along with abductions and assassinations. The "Puntland" authorities have commenced a programme aimed at accelerating prosecutions of suspected pirates.

10. The constitution-making process for Somalia gathered pace in mid-October with the reconstitution of the Independent Federal Constitutional Commission and the doubling of its membership to 30, including six women commissioners. The consortium of international partners re-launched capacity-building programmes and partnered with the Ministry of Constitutional and Federal Affairs to develop an action plan that will guide the constitution-making process over the next three months. An induction course, involving the Commission, a delegation from "Puntland" and members of Parliament, is scheduled to take place in Djibouti.

11. The International Contact Group on Somalia continued to mobilize support for the reconciliation process. Following a 23 September meeting convened on the margins of the General Assembly at the request of Prime Minister Odinga of Kenya and Foreign Minister Frattini of Italy, the Group convened an informal working session in Brussels on 29 October, hosted by the European Union presidency and the European Commission. Prime Minister Sharmarke urged donors to ease some conditionalities inhibiting the flow of assistance to the Transitional Federal Government, whereas international partners asked for further policy inputs from the Government to map the way forward in the implementation of the Djibouti Agreement and in the execution of the transitional tasks.

12. A meeting of the International Contact Group, hosted by the Organization of the Islamic Conference (OIC), took place in Jeddah, Saudi Arabia, on 17 December. The Government presented its strategy for 2010 on: (a) reconciliation and outreach; (b) security; (c) holding of an international conference on recovery and reconstruction; and (d) coordination mechanisms between the Government and the international community. The International Contact Group reiterated that the Djibouti process remained the framework within which all international efforts should be undertaken. It urged the international community to extend practical, and where possible, direct support to the Government. The Contact Group further called on the international community to provide coordinated, timely and sustained assistance to build the Somali security institutions, including by helping to pay stipends to trained recruits. During the meeting, OIC announced its intention to open an office in Mogadishu in January 2010 and to implement humanitarian and recovery activities in an amount of $50 million. Lastly, the Contact Group agreed to hold an international conference on recovery and reconstruction in the near future, as specified in the Djibouti Agreement.

13. During the reporting period, President Sharif made several visits abroad as part of his efforts to generate financial resources pending the release of the funds pledged in Brussels. On 25 September, in his address to the General Assembly in

New York, President Sharif renewed his appeal for urgent assistance to the Transitional Federal Government and outlined the priorities of his Government: improving the security situation, promoting reconciliation and facilitating the delivery of humanitarian assistance. The President also visited the United States of America, Kuwait and Yemen, where he briefed authorities on his Government's efforts to bring peace and stability to Somalia. He reaffirmed his Government's commitment to continuing to engage in dialogue both with the political opposition and with the armed groups.

14. In his efforts to engage the Somali diaspora, President Sharif visited Minnesota, Ohio and Illinois, which host the largest Somali communities in the United States. He held meetings with a cross section of the Somali community and addressed a mass rally.

15. As part of the United Nations engagement for peace in Somalia, the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, visited the region from 21 to 23 October. In talks with the Presidents of Kenya, Burundi and Uganda, he discussed the way forward in promoting stability and national reconciliation in Somalia. The Under-Secretary-General reaffirmed the strong commitment of the United Nations to supporting the Transitional Federal Government and the African Union Mission in Somalia (AMISOM). In Nairobi, he met with the Prime Minister of Somalia. During a separate meeting in Nairobi with representatives of the diplomatic community and the United Nations country team, the Under-Secretary-General expressed the fact that he deplored the low level of international assistance provided to the Government and the significant delay in the release of funds pledged at the Brussels conference.

B. Security situation

16. Insecurity remained widespread throughout Somalia. On 3 December, a terrorist attack was launched during a graduation ceremony for medical students being held at a hotel in Mogadishu. Reports indicate that at least 23 people were killed, including three cabinet ministers as well as graduating students and journalists. In addition, faculty members, parliamentarians and family members of the students were wounded. On 3 December, the Security Council held emergency consultations and issued a presidential statement (S/PRST/2009/31) condemning the terrorist attack, urging a thorough investigation and calling for the perpetrators to be swiftly brought to justice.

17. In October, on two separate occasions, insurgent groups launched mortar attacks on the aircraft transporting President Sharif. Tension in Mogadishu between Al-Shabaab and Hizbul Islam led to increased clashes between the two groups.

18. Clashes in Mogadishu continued to restrict the ability of the international community to fully implement critical humanitarian programmes. In Bay and Bakool, Al-Shabaab continued to prevent the return of a United Nations presence, insisting that a memorandum of understanding be signed and that registration fees, amounting to several thousand dollars for each United Nations agency, be paid prior to re-entry. This led to disruptions in the presence of international staff from the World Food Programme (WFP) and World Vision, but programmes continued under the supervision of national personnel.

19. While Mogadishu remained the focus of the insurgency, fighting occurred in other parts of the country, especially in Beledweyne and Kismayo, as well as in Gedo and Bakool regions. The northern regions of Galgaduud and Mudug remained tense, with numerous clashes occurring between rival armed groups. Tensions between the regional authorities of "Puntland" and "Somaliland" also continued. "Puntland" has become increasingly unstable as a result of several violent incidents, including assassinations. Efforts by the "Puntland" authorities to improve security suffered a setback when a senior judge and a member of Parliament were assassinated on the same day by unknown gunmen. The judge was known for having handed down strong sentences for Al-Shabaab members, human traffickers and pirates.

20. In Kismayo, fighting continued between Al-Shabaab and Hizbul Islam over control of the region. A series of targeted assassinations carried out by the two rival groups claimed the lives of several senior Hizbul Islam and Al-Shabaab members. Those assassinations appear to have triggered the re-emergence of clan-based warlordism oriented towards economic gain, rather than ideology or strategy.

C. Piracy

21. On 13 November 2009, I submitted my report (S/2009/590) on piracy and armed robbery off the coast of Somalia and on the implementation of resolution 1846 (2008). On 30 November, the Security Council adopted resolution 1897 (2009), which, inter alia, renewed for a period of 12 months the authorization given to States and regional organizations cooperating with the Transitional Federal Government to repress acts of piracy and armed robbery off the coast of Somalia.

22. Meetings of working groups 1 and 2 of the Contact Group on Piracy off the Coast of Somalia were held from 16 to 17 November and from 26 to 27 November, respectively. Working group 1 undertook an important needs assessment in order to develop a framework of regional counter-piracy capacity. The United Nations Secretariat, in close coordination with the International Maritime Organization, stands ready to provide support to the Contact Group in implementing selected projects.

23. With the passing of the monsoon season, pirates have resumed their attacks on ships at sea. While no hijacking attacks have been successful in the Gulf of Aden since July, pirates now attack ships, some as far away as 1,000 nautical miles off the coast of Somalia in the Indian Ocean, and have generally become sophisticated in their operations. On 17 November, the ministers for foreign affairs and defence of the European Union extended for one additional year the Union's Operation Atalanta to counter piracy in the Indian Ocean. The deployment of warships by the North Atlantic Treaty Organization and Operation Atalanta, together with initiatives implemented by individual countries such as China, Japan, the Islamic Republic of Iran, the Republic of Korea and the Russian Federation continued to have a positive impact. The international maritime presence off the Somali coast has made it more costly for pirates to operate in that area.

D. Humanitarian situation

24. The humanitarian situation in Somalia remains dire. In addition, according to a report issued in October by the Famine Early Warning Systems Network, the food security situation will not improve before March 2010, and the impact of the current drought will continue to be felt. More than 3.6 million Somalis, or nearly 50 per cent of the total population, will continue to require humanitarian assistance or livelihood support into 2010. The presence of hard-line Al-Shabaab elements, hostile to humanitarian organizations, has resulted in a further shrinking of humanitarian space. Inflammatory statements against relief organizations suspected of tainting Islamic practices, threats against humanitarian staff, explicit rejection of foreign food aid and demands for "registration fees" have all worsened, restricting the ability of humanitarian agencies to respond to needs. Nevertheless, efforts to maintain the provision of services are being strengthened to sustain critical food aid operations in southern and central Somalia and to prevent large-scale population movements. Humanitarian assistance for Mogadishu, Afgooye and critical drought-stricken regions in southern and central Somalia will be prioritized. Mogadishu and Afgooye host some 400,000 and 460,000 internally displaced people, respectively, along with other beneficiaries.

25. Access to the affected population continues to challenge the ability of humanitarian agencies to respond, and the humanitarian space is being further decreased by repeated attacks on aid workers. By November, the total number of internally displaced persons in Somalia had reached 1.55 million, 93 per cent of whom were concentrated in the southern and central areas, including 524,000 in the Afgooye corridor. This displacement trend is expected to continue into 2010. During the visit of my Representative on the human rights of internally displaced persons, Walter Kälin, to Somalia from 14 to 21 October, he raised concerns about the limited support provided to internally displaced persons, and called on all actors to provide humanitarian access, to ensure the safety of humanitarian workers and to support the already limited delivery of urgently needed humanitarian aid.

26. Despite the fact that humanitarian needs have increased in 2009, there has been a significant drop in humanitarian funding. At the end of November, the 2009 Somalia consolidated appeals process was 60 per cent funded, with $512 million having been received out of the $851 million required. The slow release of new funding and the overall reduction in total funding have had a direct impact on humanitarian action in Somalia. The curtailment of the water, sanitation and health programmes across the country has led to an increased risk of acute watery diarrhoea. Low funding levels and pipeline breaks have resulted in reduced or postponed rations and have required a reprioritization of lifesaving interventions.

27. The Central Emergency Response Fund assisted in maintaining basic humanitarian activities in the face of reduced funding. By October, the Fund had allocated $27.3 million to seven United Nations agencies for lifesaving programmes, as well as for vital air services for the humanitarian community, including the rehabilitation of essential airstrips. The locally administered emergency pooled fund for Somalia, the Humanitarian Response Fund, had allocated $8.6 million for 42 projects by 1 November.

E. Human rights and protection of civilians

28. Armed groups, including Al-Shabaab, continued to attack the Transitional Federal Government and AMISOM from areas frequented by civilians. The urban nature of the conflict and the frequent failure by all parties to restrict the fighting to clearly identified military targets inevitably placed civilians at great risk in the affected areas.

29. Incidents reported by displaced persons and refugees included rape, looting and beatings during flight. Particularly disturbing were increasing reports of gender-based violence in settlements for the internally displaced, particularly in "Puntland" and "Somaliland".

30. Al-Shabaab and other armed groups continued to violate women's rights in southern and central Somalia. Women faced arbitrary detention, restriction of movement and other forms of abuse for failure to obey orders, including non-observance of the dress code. The rising pattern of inhuman and degrading treatment, including stoning, amputations, floggings and corporal punishment, is of the utmost concern. Somalis in areas controlled by insurgents are reportedly tried in "courts" established by Al-Shabaab, without due-process guarantees and on the basis of Al-Shabaab's interpretation of sharia law. In November, two women who had been found guilty of adultery by Al-Shabaab courts were stoned to death in Wajid and a man was stoned to death in Merka for rape.

31. Additionally, journalists were repeatedly subjected to threats and short-term arbitrary detentions, particularly in Baidoa and Kismayo. In 2009, nine journalists were murdered, in Mogadishu, Afgooye and Beledweyne. These abuses resulted in the closure of Radio Warsan, Jubba Radio and another radio station in Baidoa and caused many journalists to flee to Kenya, Uganda and Djibouti.

32. Hundreds of children have been wounded, killed or maimed as a direct result of the conflict. The Somalia protection monitoring network has verified reports that at least 350 children have been wounded and 175 killed by the conflict. In southern and central Somalia, there is evidence that children are being exposed to recruitment into armed forces by all parties to the conflict.

33. On 2 October, following a presentation to the Human Rights Council by the Independent Expert on the situation of human rights in Somalia, the Council adopted its resolution 12/26, which called on all parties to refrain from all forms of violence against the civilian population and to prevent and end abuses. It also urged increased technical assistance to help prevent violations and abuse.

34. In an unprecedented move, the Council of Ministers of the Transitional Federal Government announced its intention to ratify the Convention on the Rights of the Child and agreed to set up a committee to look into harmonizing its provisions with national legislation and sharia law. Somalia is already party to four other international human rights treaties.

35. The Office of the High Commissioner for Human Rights and the United Nations Political Office for Somalia (UNPOS) are engaged in discussions with the Transitional Federal Government on the implementation of the technical cooperation framework referred to in my previous report. This includes assessing options for the development of documentation and mapping, in accordance with article 9 of the Djibouti Agreement.

III. Resource mobilization

36. The Departments of Political Affairs and Field Support convened a meeting of key donor countries in New York on 9 October 2009 to follow up on the status of the disbursement of confirmed pledges. Contributing donor countries recognized the urgent need to disburse outstanding pledges and agreed to coordinate the training of the security forces through the Joint Security Committee. The European Commission announced that it had reached an agreement with the African Union on the latter's budget, with the first batch of funds expected to be released by December 2009, following the signing of a contribution agreement.

37. As at 30 November 2009, total fulfilled pledges had increased from $69.8 million to $77.7 million, thanks to disbursements made by the Philippines, Norway, Denmark and the European Commission. Thus, 39 per cent of confirmed pledges have now been received, and outstanding pledges stand at $121 million, out of $198.7 million in confirmed pledges. Of these, the United Nations Trust Fund for the Somali security institutions has received approximately $851,000 and the Trust Fund for AMISOM has received $25 million. Additionally, some $3 million has been disbursed directly by donors to the Transitional Federal Government, while the African Union has received a total of $16.6 million bilaterally.

38. During the reporting period, the United Nations Development Programme (UNDP) continued to engage with donors on acceptable arrangements for the payment of stipends, including 15 months' worth of arrears, to 2,500 trained and certified civilian police. By November, the European Commission had released approximately €4 million of the €13 million pledged for the UNDP Rule of Law and Security Programme. Payment of arrears for the police commenced on 5 December 2009 and then was temporarily suspended for operational reasons at the request of the Government. It is anticipated that payment will resume before 31 December.

39. By July 2009, the United Nations had mobilized $117 million for recovery and development activities across Somalia. Of this amount, $61 million was earmarked for southern and central Somalia, with $32 million earmarked for "Somaliland" and $25 million for "Puntland". On 3 December, the Somalia 2010 consolidated appeals process was launched in Nairobi for a total of $689 million to meet the most urgent humanitarian needs, notably lifesaving activities, livelihood support, a minimum package of basic services and the protection of the most vulnerable Somalis.

IV. Implementation of resolution 1872 (2009)

A. Update on implementation of the incremental approach

40. The United Nations continues to pursue the mandated activities outlined in Security Council resolution 1872 (2009), constituting a three-phased incremental approach implemented through AMISOM and international, national and local partners. At the end of November, critical humanitarian and other United Nations programmes continued in most regions of Somalia, with 775 national and 57 international staff deployed throughout the country, including in "Puntland" and "Somaliland".

41. Despite difficult security conditions, frequent visits to Mogadishu were made to enable United Nations staff to monitor ongoing operations and provide support to the Transitional Federal Government and AMISOM. During the reporting period, senior staff from UNPOS, the United Nations Support Office for AMISOM (UNSOA), the United Nations Mine Action Service (UNMAS), the Department of Safety and Security and United Nations funds, agencies and programmes made 17 visits to Mogadishu in the pursuit of mandated activities. These visits assisted the process of policymaking and planning being carried out by the Transitional Federal Government for the remainder of the transition. The visits also enabled UNSOA to better plan its support to enhance AMISOM capabilities and to create a more favourable environment for the deployment of additional AMISOM troops. In addition to efforts under way to improve living conditions, perimeter security and infrastructure for AMISOM, UNSOA is providing life support and installing critical communications, transport and engineering equipment.

42. In parallel, the United Nations continues to develop plans for an expansion of its physical presence in Mogadishu. Initially, the second phase of the incremental approach in Mogadishu will be implemented through the deployment of international staff on mission status for limited periods, on the basis of programme priorities. In this respect, my Special Representative and the President of Somalia discussed contingency plans for the deployment of both national and international staff in Mogadishu, Baidoa and Kismayo. In the meantime, UNPOS will continue to carry out short visits to Mogadishu, pending a stabilization of the security situation.

43. On 9 October, the Under-Secretary-General for Safety and Security, Gregory Starr, visited Mogadishu and reviewed security options for the enhanced United Nations "light footprint". He met with representatives of AMISOM and the Transitional Federal Government, including Prime Minister Sharmarke, and visited key locations in Mogadishu. The Under-Secretary-General advised that, while the security operating environment in Mogadishu is challenging, there is scope to create facilities in Mogadishu that would allow United Nations international staff to spend significantly more time in the Somali capital with a relatively high degree of security assurance. Planning for a permanent United Nations presence is now being taken forward on the basis of those findings. The Government would welcome such a presence and considers it critical for stabilization, for supporting the functioning of public institutions and for improving humanitarian access.

44. The focus of UNPOS is to strengthen its presence in "Somaliland" and "Puntland". I expect that presence to contribute significantly to the process of stabilization at the national level, to reduce the tension among the Transitional Federal Government, "Somaliland" and "Puntland" and to strengthen the process of defining Somalia's political future through the constitution-building process. The presence of UNPOS will also invariably help to advance solutions to other local challenges, including the stabilization process and the territorial dispute between "Somaliland" and "Puntland" over Sool and Sanaag regions. Additionally, close cooperation between UNPOS and the authorities in "Puntland" will aid the implementation of the Djibouti Agreement and address the root causes of piracy on land. UNPOS will also be better placed to coordinate and harmonize the planning of an international conference on recovery and development at the national level.

B. Strengthening the political process

45. During the reporting period, my Special Representative maintained close contact with States members of the Intergovernmental Authority on Development (IGAD), the African Union Commission and other regional leaders, seeking political support for the implementation of the Djibouti Agreement. He also intensified contacts with representatives of the Somali diaspora in Europe and the United States. From 1 to 5 December, he visited Tokyo at the invitation of the Government of Japan. Discussions focused on the best way in which to assist the Transitional Federal Government and to improve stability throughout the Horn of Africa. These advocacy efforts seek to refocus the international community's efforts on supporting the Government in order to consolidate security, stability and the establishment of minimum governance institutions.

46. The High-level Committee was officially re-launched in Nairobi on 23 October, in a new format bringing together the Transitional Federal Government and the international community. The expanded membership of the Committee includes UNPOS, AMISOM, representatives of troop-contributing countries and other members of the international community. Prime Minister Sharmarke and Under-Secretary-General Pascoe co-chaired the meeting, at which participants discussed the launch of a new approach in Somalia's partnership with the international community in such areas as security, governance, justice and reconciliation, and humanitarian assistance. The Committee, expected to convene monthly, will address tangible areas of cooperation between the Government and the international community and will prioritize the transitional tasks assigned to the Government.

47. On 2 November 2009, a regular consultative meeting among the African Union, AMISOM troop-contributing countries, the Transitional Federal Government and partners took place in Addis Ababa. Participants noted the lack of significant progress in the political situation in Somalia. They urged the Government to consolidate and extend its authority, especially by developing the Somali security institutions and formulating an effective public strategy. The Government's Minister of Defence emphasized that resource shortages and the non-payment of stipends to the security forces were major obstacles to expanding the Government's territorial control.

48. The outgoing Special Representative of the Chairperson of the African Union Commission for Somalia, Mr. Nicolas Bwakira, reiterated that the mandate of AMISOM was robust and flexible enough to enable it to function effectively and that only the rules of engagement needed revision. The non-payment of troop allowances to AMISOM troops, the arrears in death compensation and the lack of progress in reimbursing contingent-owned equipment remained problematic. Participants encouraged donors to lift the caveats preventing reimbursement for the most costly categories of such equipment and recommended that alternative funding sources be sought. In addition, the need to bolster AMISOM strength in terms of troops and equipment and to develop its air and naval capacity was emphasized. Mr. Bwakira was succeeded by Boubacar Diarra on 1 December.

C. Progress towards full deployment and strengthening of AMISOM

49. AMISOM has continued to play a significant and commendable role in carrying out its mandate, despite serious challenges. Nevertheless, the Mission continues to be constrained by a variety of pressures, especially with regard to force generation and the provision of equipment. Since my previous report, there has been no change in the deployed strength of AMISOM, which remains at around six battalions, or 65 per cent of its mandated strength. The planned deployment of one additional battalion each from Uganda and Burundi, together with 400 troops from Djibouti, has been delayed by logistics constraints. Meanwhile, the African Union has requested additional specialist assistance in the medical, engineering and military police areas.

50. The United Nations planning team in Addis Ababa continued to provide planning and operational support to African Union headquarters with respect to the AMISOM deployment, including preparations for the deployment of three additional battalions and 22 military staff officers from eight African States. It is also proactively assisting the Peace Support Operations Division and the strategic planning and management unit. The Department of Peacekeeping Operations continued to support the African Union in developing alternative contingency plans.

51. The irregular payment of troop allowances and the lack of reimbursement funds for the most costly categories of military equipment have become sources of concern and frustration for the two troop-contributing countries, Burundi and Uganda. Those challenges could have an adverse impact on the ability of the African Union to generate additional troops in order to bring AMISOM to its full mandated strength. Moreover, the Mission may soon require certain specialized military capabilities and enabling units in order to enhance its operational effectiveness and improve the security situation.

52. Although the AMISOM police component was evacuated from Mogadishu following the 17 September 2009 suicide attack on Mission headquarters, the unit continued predeployment training for 61 African Union police in Ghana and Kenya for a possible deployment to Mogadishu, security conditions permitting.

53. UNSOA continued to provide AMISOM with the logistical support package, including rations, fresh food, medical supplies and fuel. As a result of the suicide attacks against Mission headquarters in Mogadishu, the Office has placed priority on support for enhanced security measures, including camp perimeter fencing, improved access control and the protection of vital installations. Contracts have been established for the construction of the new AMISOM Force headquarters and a level II hospital, in accordance with Department of Safety and Security standards. This will provide a secure environment for AMISOM civilian, military and police personnel, as well as for co-located UNSOA and UNPOS staff. The facilities will be partially available for use by March 2010. The United Nations medical evacuation and hospital services in Nairobi are now operational, and supplementary medical equipment has been installed in the Mission's field hospital in Mogadishu. United Nations satellite communications are being installed at African Union headquarters, which will permit video teleconferencing and telephony with the AMISOM headquarters in Nairobi and Mogadishu.

54. The current situation on the ground and unfavourable media coverage of events in Somalia present AMISOM with a significant communications challenge.

As part of its logistical support package, UNSOA is supporting the Mission in the implementation of its communication strategy through public information support operations, including the establishment of a radio station with the capacity to provide national coverage broadcasts through short wave and FM, seeking to commence operations in December. The United Nations planning team is supporting AMISOM in the development of printed and online media messages, aimed at the Somali diaspora and citizens, as well as at current and potential partners, to promote understanding of the progress made and related opportunities.

55. UNSOA sea and air operations between Mombasa and Mogadishu are fully operational, employing third-party contractors. Resupply is carried out mainly through sea shipments, with the European Union Naval Force Somalia and Operation Atalanta providing essential naval escorts to and from Mogadishu. Inshore escort operations continue to be provided by the small maritime detachment within AMISOM. However, general deterioration of the small boats used together with rough sea conditions along the Mogadishu coast limits the effectiveness of the security patrols. Consequently, UNSOA has initiated the procurement of additional maritime patrol boats for AMISOM to enhance capabilities in high seas and to permit security operations at a greater radius from the Mogadishu port, including air traffic approaches to the airport.

56. The security situation in Mogadishu will continue to affect the delivery of key aspects of the United Nations support package for AMISOM. At its current strength, and given the urban nature of the conflict, the Mission is unable to secure an area wide enough to prevent the mortaring of Mogadishu airport and seaport. Resupply lines by sea from Mombasa have been a target for insurgent attacks. Following the implementation of return escorts conducted by Operation Atalanta and other operations at the port, no incidents were reported. Nevertheless, the Mogadishu port remains highly vulnerable to insurgent and pirate attacks, and at present the Transitional Federal Government and AMISOM possess very limited maritime capabilities to defend it.

57. On 19 October, the United Nations began a six-week explosive ordnance device training course for 16 AMISOM troops from the Ugandan contingent. A similar course is planned for Burundian forces. Following a conference held in Nairobi on 5 October, policy and technical working groups were established to coordinate international support for AMISOM in the area of explosives management. The establishment of a permanent explosive ordnance device command and training facility has been delayed following the 17 September attack, and the expected completion date is March 2010. In the meantime, a temporary facility to accommodate 20 staff will become operational in December 2009.

D. Strengthening of the Somali security institutions

58. While working towards the preparation of a national security strategy in accordance with resolution 1872 (2009), the United Nations has continued to assist the Transitional Federal Government in developing its national security institutions. Progress was made during the reporting period on assessments and on identifying priorities of the institutions related to the military, police, intelligence, justice, corrections and finance areas.

Policy and coordination

59. The main objective in developing Somalia's security sector institutions is to maintain and enhance security within Mogadishu so that the Transitional Federal Government can become fully operational. The existence of the Joint Security Committee and its technical working groups is essential for the implementation of a comprehensive approach, including the formulation and updating of security policy, national-level doctrine and plans, and for the strengthening of the various security sector institutions, including those in "Somaliland" and "Puntland". Capacity-building activities will include management training on the development of the security sector architecture and assistance with the formulation of defence policies and with the revision of policies and regulations governing the conduct of the armed forces and the police. Plans are also under way for "lessons-learned" visits to two African countries that have experienced civil war and have since reconstructed their institutions.

60. A security sector assessment mission, jointly led by UNPOS and the United States, with members from the European Union, the African Union and the Transitional Federal Government, has just completed its assessment of the Somali security sector. The mission engaged in consultations with high-level Government officials, the European Commission, the African Union and AMISOM. In addition, the mission organized a brainstorming workshop on the way forward that brought together technical experts and advisers from the Government, the United Nations, the African Union, AMISOM and other members of the international community, including IGAD. The assessment will assist in the development of programmes related to the military, the police, intelligence, justice and corrections and financial mechanisms through the Joint Security Committee.

61. The Joint Security Committee held two meetings in its revised format, on 12 October and 9 December, focusing on the development of a common curriculum and operational doctrine for military training to enable the Transitional Federal Government to provide training in Somalia. The goal of the Committee is to organize trained troops into a unified force with a clear, transparent and accountable command-and-control structure. The Committee continues to coordinate with the Government, AMISOM and UNSOA, as well as with the wider international community and bilateral donors, on military and police training matters.

Military

62. As the Transitional Federal Government seeks to build its operational military capacity to address immediate security threats, it continues to work on longer-term plans for the development of the National Security Forces. AMISOM continues to assist the Government with the reorganization of its forces into fighting units able to operate in accordance with the laws of combat. However, the payment, equipping and reintegration of Government troops after training remain serious challenges.

63. A number of training activities have been carried out under bilateral arrangements between the Transitional Federal Government and Member States. France and Djibouti facilitated the basic training in Djibouti of 450 and 150 Government soldiers, respectively, from September to November 2009. The soldiers who have returned to Mogadishu from Djibouti are undertaking, prior to deployment, a harmonized four-week reintegration programme conducted by AMISOM. It is expected that the recent return of 160 freshly trained Government

military forces will have a positive, if limited, impact on security in Mogadishu and other areas where they have been deployed.

64. Meanwhile, France has begun to train a second tranche of 350 recruits in Djibouti, while Sudan has commenced the training of 120 close-protection personnel. The United States continues to provide funding and logistic support to the Transitional Federal Government, with 750 soldiers and 30 officers undergoing a nine-month intensive training course in Kampala, Uganda. Turkey, Yemen and Algeria have been involved in airlifting troops to and from training locations and in providing equipment. The Council of Ministers of the European Union has approved a crisis management concept regarding a possible European Security and Defence Policy mission to support the training of Government security forces. When European Union planning for the delivery of training is implemented, EU trainers are expected to follow the harmonized and approved curriculums.

Police

65. The training of new recruits for the Somali Police Force continued, despite adverse security conditions. In November, 150 recruits from "Puntland" and 450 from southern and central Somalia graduated from the Armo Police Academy in "Puntland". The training, conducted by Somali police instructors trained by UNDP, followed a commonly agreed curriculum approved by the Transitional Federal Government. The Somali Police Force currently stands at 5,000 strong. UNDP is in the process of relocating training from Mogadishu to the Armo Police Academy, involving 450 new Somali police cadet officers. A decision on the participation of AMISOM police in the training of the Somali Police Force recruits in Mogadishu would be informed by the pending review of the security situation in Mogadishu.

66. The effective deployment of the Somali Police Force following training will require substantial additional support, including the rehabilitation of police stations, the provision of equipment, sustainable arrangements for the payment of stipends, and professional support, including ongoing mentoring. With regard to stipends, UNDP facilitated two rounds of pilot payments, in February and June, through the stipend monitoring committee. This included civil servants from the Prime Minister's Office, the Central Bank, the ministries of Finance and Internal Affairs and the Somali Police Force. In total, 1,816 beneficiaries were paid in June, while 753 eligible officers were not positively identified during the payment period. During the reporting period, UNDP received 10,000 uniforms for distribution to the Somali Police Force; however, in the absence of international police monitors in Mogadishu to ensure that the uniforms would be distributed to authorized recipients, the distribution was temporarily suspended.

Justice and corrections

67. During the reporting period, the United Nations country team expanded the provision of legal aid both in "Somaliland" and in "Puntland". In southern and central Somalia, UNDP continued to support the provision of such aid by civil society, including in Mogadishu through two women's organizations.

68. In southern and central Somalia, the Transitional Federal Government established a military court to prosecute violations committed by its own soldiers, in which several soldiers were reportedly sentenced to death after having been found guilty of murder. In accordance with Somali law, those convicted by a military court

have the right to appeal to the Supreme Court on certain grounds, once the Court becomes operational.

69. On 11 September, mortar attacks directed by insurgents at Mogadishu seaport landed at Mogadishu prison, killing four members of the custodial corps and injuring 13 others. In November, senior officers from Mogadishu's custodial corps travelled to Uganda for training and to strengthen links between the prison services of Somalia and Uganda.

DDR and community security

70. Since my previous report, UNDP has begun its armed violence reduction project, which will support civil society and local government authorities in forming local safety committees and assist peacebuilding activities through referrals and dialogue centres across Somalia. The project will employ ex-combatants in labour-intensive projects selected by the community, while developing a pool of trained and pre-screened candidates for inclusion in the security forces and the prisons service, in parts of "Puntland" and "Somaliland" and in six Government-controlled districts in Mogadishu.

71. A workshop on community safety held from 21 to 25 November in Uganda brought together ministers from both "Somaliland" and "Puntland". The community safety mechanism was endorsed, and agreement was reached on Government-civil society coordination. The ministers also exchanged information regarding assessments and experiences in the development of legislation concerning small arms control and victim assistance.

72. Although the preconditions for the implementation of wider disarmament, demobilization and reintegration are still not in place, the appointment in September 2009 of a minister for disarmament, demobilization and reintegration represents a first step in establishing the national institutional framework required for coordination. To that end, from 17 to 18 November, UNPOS and UNDP, with the assistance of the Department of Peacekeeping Operations, conducted a brainstorming workshop with the new ministry and partners, at which the Transitional Federal Government agreed that a community-based reintegration mechanism under the framework of armed-violence reduction should be explored.

E. Humanitarian, recovery and development activities

73. In October, limited resources and a partial breakdown of the food pipeline, coupled with limited access, forced WFP to reduce rations and to increase targeting to the most food-insecure beneficiaries. As a result, only 16,310 tons of assorted food commodities were distributed to 1.7 million beneficiaries, out of the 3.1 million people in need of assistance. The food aid cluster urgently requires 170,000 tons of food, valued at $154 million, in order to continue to provide assistance to vulnerable Somalis through April 2010. Should the funding situation not improve, the potential impact of a halt in food distribution on the malnutrition rates of internally displaced persons and refugees would undoubtedly be significant.

74. Early in December 2009, 150,000 acutely malnourished children were receiving nutritional treatment and more than 132,000 children between 6 and 36 months old were receiving nutritional supplements to prevent acute malnutrition.

Thus far in 2009, there have been more than 89,000 new schoolchildren, 49 per cent of them girls, enrolled in southern and central Somalia and "Puntland", while more than 908,000 people continue to be provided with safe water.

75. In October, the second round of Child Health Days, a nationwide campaign promoting child survival, reached more than 363,000 children under five years of age and 224,000 women of childbearing age in "Somaliland". To date, 1 million children under five and more than 800,000 women of childbearing age have received this high-impact health services package, including, for the first time, an estimated 46,000 children and 37,000 women in Afgooye corridor and some 92,000 children and 95,000 women in six districts in Mogadishu.

76. Following discussions in September with the Transitional Federal Government on Somalia's peace consolidation priorities, the United Nations has been providing assistance in key areas identified by the Government, including job creation, social services, transitional tasks and the rehabilitation of infrastructure. Since October, the Organization has supported employment generation in Banadir, Bakool and Middle Juba regions, where more than 4,600 unskilled and skilled workers (of whom 30 per cent are women and 20 per cent are internally displaced persons) are engaged in short-term employment. The United Nations has rehabilitated milk and vegetable markets and is constructing a community centre in Jowhar for the production of appropriate building materials and for training. It has also built 183 settlements for internally displaced persons in Garowe and 167 in Hargeisa, and has completed more than 200 new homes in Bossaso for the internally displaced. However, as a result of the security situation, gaining access to the project areas remains challenging.

77. During the reporting period, United Nations integrated support for rural livelihoods included the distribution of more than 150 tons of sesame seed in eight districts, in Middle and Lower Shabelle and Middle Juba, reaching approximately 25,000 farmers, with an overall expected income of $6 million. In Middle and Lower Shabelle, the rehabilitation of canals and the distribution of vegetable kits benefited 6,000 farmers, while five labour-intensive schemes in Middle and Lower Shabelle benefited approximately 10,500 urban and rural poor. In November, the United Nations began a massive livestock vaccination and treatment campaign in Sool, Sanag, Mudug, Galgaduud and Hiran regions. The campaign is aimed at improving the health conditions of more than 1.1 million animals after a period of prolonged drought and is expected to provide emergency livelihood support to approximately 280,000 pastoralists.

78. In order to reduce the danger posed by mines to the civilian population in southern and central Somalia, UNMAS trained mine-risk education facilitators, who continue to provide education to mine-affected communities, herders and internally displaced persons. Additionally, UNMAS continued to map mine contamination throughout southern and central Somalia, with 70 casualties recorded in 2009. In "Puntland" and "Somaliland", UNDP continues to support the mine action centres, together with seven police explosive ordnance disposal teams. Mine action is being steadily integrated into the UNDP armed-violence reduction and community safety framework.

V. Observations and recommendations

79. The Transitional Federal Government is making progress in some critical areas. Despite the challenging environment and incessant attacks on the Government, the implementation of the Djibouti Agreement generally remains on track. The Somali leadership has demonstrated its commitment to ensuring the success of the peace process, notably by relocating its federal institutions to Mogadishu. However, the persistent attempts to overthrow the Government through violent means and targeted assassinations should remind the international community of the precariousness of the situation. A targeted and coordinated effort between the Transitional Federal Government and the international community is required in 2010 in order to generate the necessary political and security conditions for the successful completion of the transition by 2011. I encourage the Government and the international community to maintain the momentum.

80. I encourage the Transitional Federal Government to maintain its commitment to dialogue and to continuously reach out for reconciliation to secure lasting peace. I further urge the Government to consolidate and cement existing agreements and alliances with Somali partners inside the country. I call upon all Somalis outside the peace process to renounce violence and to join in the search for peace and reconciliation, and I urge national and international support for this process. I strongly condemn the terrorist attack of 3 December. Once again, I wish to express my sincere condolences to the families of those killed and my sympathy to those wounded.

81. Further progress in promoting peace requires greater capacity on the part of the Transitional Federal Government to consolidate its authority, restore the economy and deliver basic services. The Government must demonstrate further commitment to that end. While it has adopted a budget and improved measures to enhance domestic revenue, it remains largely dependent on external assistance. The Government will require strong, predictable assistance in order to achieve this goal and to implement a consensual constitution-drafting process. To date, the Government has received a minuscule percentage of the confirmed pledges made in Brussels. I appeal to Member States to urgently release their pledged contributions to the Transitional Federal Government. Even a little help can make a significant difference in the lives of the Somalis.

82. The African Union, IGAD and AMISOM troop-contributing countries continue to play a critical role in stabilizing Somalia. I salute the courage of those partners and urge them to stay the course. In particular, I pay tribute to AMISOM, which continues to play an essential role in a challenging environment. The Mission's current mandate ends in January 2010. I invite the Security Council to renew its authorization for the deployment of AMISOM, subject to the decision of the African Union Peace and Security Council. I call on the international community to provide more reliable and timely resources to the Mission. The United Nations will continue to provide AMISOM and the African Union headquarters with the mandated support. I call upon the international community to actively support AMISOM. I also wish to express my deep appreciation to the outgoing Special Representative of the Chairperson of the African Union Commission for Somalia, Mr. Nicolas Bwakira, for the completion of a successful tour of duty.

83. Somalia needs to deliver its own security, and its security institutions must be developed into professional entities. This is the cornerstone of the stabilization strategy for Somalia, the purpose of which is to establish the rule of law. The training of professional security forces is a crucial element in the implementation of the Djibouti Agreement. I encourage all donors to closely coordinate with the Joint Security Committee and UNPOS in harmonizing training initiatives. I strongly urge all partners to urgently consider the provision of adequate and regular resources for the sustenance of trained recruits.

84. I am deeply concerned by the significant decline in humanitarian funding in 2009, as well as by delays and imbalances between sectors. Without immediate donor funding, the United Nations and its partners will be unable to finish planned work in 2009 and lifesaving activities in 2010 will be delayed. The consolidated appeals process for Somalia seeks $700 million to address humanitarian needs in 2010, which amounts to a 17 per cent reduction in requirements as compared with 2009. Without those funds, the United Nations will be unable to meet the urgent needs of 3.6 million Somalis, which could provoke cross-border population movements.

85. I remain deeply concerned at the fact that civilians continue to bear the brunt of the conflict. It remains difficult for the courageous providers of humanitarian assistance to operate and assist the needy. I remind all combatants to respect the provisions of international humanitarian law and to provide unfettered humanitarian access to those in need. We should assist the Somalis to end impunity and to establish institutions for promoting and protecting human rights. I welcome the Government's announcement that it intends to ratify the Convention on the Rights of the Child and encourage it to do so as soon as possible.

86. The absence of opportunities for better livelihood and income generation has undoubtedly contributed to insecurity. The international community should strongly support Somalia in its efforts to recover from two decades of destruction by creating opportunities for employment and income generation. I encourage the international community to consider, inter alia, providing direct assistance to the Transitional Federal Government to enable it begin to address the people's basic needs. The United Nations, together with its partners, is working to organize an international conference to address the acute recovery and development needs of the country.

87. The three-phased incremental approach pursued by the United Nations, as outlined in my April 2009 report, remains valid. Planning for the United Nations "light footprint", while subject to delays owing to the security situation in Mogadishu, continues. I expect such a presence to significantly contribute to stabilization and to strengthen the political process, while a presence in "Somaliland" and "Puntland" will help to advance solutions to other local challenges, including the democratization process and the fight against piracy. The United Nations logistical support package for AMISOM has prioritized the implementation of enhanced security measures following the suicide attack on AMISOM headquarters carried out on 17 September 2009.

88. There is also a need for continued assistance to AMISOM and the Transitional Federal Government to mitigate the threat posed to both troops and civilians by explosive remnants of war and other explosive devices. I therefore recommend a continuation of the current strategy into 2010, with the same activities previously

mandated by the Security Council. I will keep this strategy under close review, and I propose to report back to the Security Council in April 2010.

89. The current mandate of UNPOS ends in December 2009. I invite the Security Council to reauthorize its mandated activities for the biennium 2010-2011. UNPOS will continue to provide good offices and political support for efforts to establish lasting peace and stability in Somalia through the implementation of the Djibouti Agreement, and to mobilize resources and support from the international community for the immediate recovery and long-term economic development of Somalia.

90. Finally, I would like to express my deep appreciation to my Special Representative and his Office for their continued commitment to the advancement of peace and reconciliation in Somalia. I also pay tribute to UNSOA and the United Nations country team, as well as to all other organizations and their staff members who operate in the country under challenging conditions. I call upon the Somalis and Member States to continue to lend their unwavering support and cooperation to my Special Representative.

United Nations S/2009/685

Security Council

Distr.: General
31 December 2009
English
Original: French

Letter dated 29 December 2009 from the Secretary-General addressed to the President of the Security Council

I should like to inform the members of the Security Council that the activities undertaken to fulfil the mandate outlined in paragraph 14 of resolution 1284 (1999) and requested in a letter dated 26 March 2008 from the President of the Security Council to the Secretary-General (S/2008/206) have led to expenditures amounting to $337,657 from 25 April 2008 to 30 November 2009. The funds were provided through transfers from the Iraq escrow account.

I have taken note of the Security Council's statement to the press on Iraq-Kuwait (SC/9637-IK/602), in which the Council noted the agreement of its members to finance the continuation of the activities of the High-level Coordinator for a period of eight months, with a possibility of further extension.

Given the Security Council's and my call on all parties to translate political statements of goodwill into concrete actions to speed up progress during the coming months to resolve outstanding issues, the period ahead will require further intensification of the High-level Coordinator's activities. To that end, it would be necessary to allocate resources sufficient to finance the activities of the High-level Coordinator and his support staff until 30 June 2010 in the amount of $251,400. It is suggested that these funds be earmarked from the operating reserves and fund balance of the 2.2 per cent part of the escrow account intended for administration and operational costs.

Should the Council agree with this proposal, the funds will be transferred within the escrow account and made available to the Department of Political Affairs, which backstops the activities of the High-level Coordinator.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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United Nations A/64/615–S/2009/686

General Assembly
Security Council

Distr.: General
31 December 2009
English
Original: Arabic

General Assembly
Sixty-fourth session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 29 December 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 1 to 7 December 2009 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

09-67186 (E) 060110 070110

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Annex to the identical letters dated 29 December 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 1 to 7 December 2009

Air violations

On 1 December 2009:

- Between 0700 and 1150 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving over Rumaysh;
- Between 0715 and 1150 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving over Naqurah.

On 2 December 2009:

- Eight Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. Six of the planes entered Lebanese airspace at 1309 hours and the other two at 1314 hours. They circled over all regions of Lebanon before leaving over Naqurah at 1350 hours;
- Between 1400 and 1500 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Shikka and heading east. They circled over all regions of Lebanon before leaving over Rumaysh;
- Between 0725 and 2130 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and heading north. It circled over the South before leaving over Rumaysh.

On 3 December 2009, between 0645 and 2025 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Beirut and its environs before leaving over Naqurah.

On 7 December 2009:

- Between 0900 and 1100 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Naqurah. They circled over all regions of Lebanon before leaving over Naqurah;
- Between 0903 and 1410 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over Rumaysh. They circled over all regions of Lebanon before leaving over the sea off Naqurah;
- Between 1353 and 1400 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Yarun. They circled over the South before leaving over Alma al-Sha'b.

Sea violations

None.

Land violations

On 1 December 2009:

- At 1000 hours, a number of phone calls were received on civilian landline phones in Tyre, by the civil defence centre in Bint Jubayl and by military positions of the South branch of the intelligence service. The calls, which were made by the Israeli enemy, offered $10 million in exchange for information regarding the Israeli soldiers missing in Lebanon;

- At 1030 hours, phone calls made by the Israeli enemy were received on a number of cellular phones offering $10 million in exchange for information regarding the Israeli soldiers missing in Lebanon.

On 3 December 2009, at 1945 hours, a recorded message from the Israeli enemy was received by military communications hubs stating that $10 million would be paid to anyone who provided information regarding the Israeli soldiers missing in Lebanon. The message stated that information should be conveyed via the telephone number 442080808 or the website 10million.org, and gave assurances that the caller's identity would be kept confidential.

United Nations S/2009/687

Security Council

Distr.: General
31 December 2009

Original: English

Letter dated 30 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Austria to the United Nations addressed to the President of the Security Council

On behalf of the chair of the Security Council's Informal Working Group on International Tribunals, Ambassador Thomas Mayr-Harting, I have the honour to transmit the attached letter summarizing the activities of the Informal Working Group during the period from 1 January to 31 December 2009 (see annex). I should be grateful if you could circulate this letter together with its annex as a document of the Security Council.

(*Signed*) Christian **Ebner**
Ambassador
Chargé d'affaires a.i.

09-67136 (E) 060110

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Annex to the letter dated 30 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Austria to the United Nations addressed to the President of the Security Council

I. Introduction

1. This letter is to inform the Security Council about the work of the Informal Working Group on International Tribunals ("the Working Group"), covering the period from 1 January to 31 December 2009,[1] during which Austria had the honour to chair the Working Group. In particular, I would like to update the Council on the progress made by the Working Group on the issue of the establishment of a residual mechanism to carry out certain essential functions of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (together "the Tribunals") after their closure.

II. Organizational matters

2. The Working Group was established on an informal basis in 2000 to consider matters relating to the United Nations and United Nations-assisted Tribunals, particularly the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. The Working Group consists of the legal advisers of the Missions of the members of the Security Council and is assisted by the Office of Legal Affairs. Until 2007, its chairmanship rotated with the monthly rotation of the presidency of the Council and it met only on an ad hoc basis. At the end of 2007, given the intensive work relating to residual issues and the completion strategies of the Tribunals pursuant to Security Council resolutions 1503 (2003) and 1534 (2004), the Working Group decided to appoint a single chair and started meeting on a regular basis. In 2008 the chairmanship of the Working Group was held by Belgium and in 2009 it was taken over by Austria.

3. During the reporting period the Working Group continued to meet regularly and held 26 meetings, including with the Presidents and Prosecutors of the Tribunals when in New York for their presentations to the Security Council. The members of the Working Group also had informal exchanges of views with the President, Registrar and members of the Management Committee of the Special Court for Sierra Leone, as well as with representatives of the Netherlands, Rwanda and Serbia, to continue the dialogue with affected countries and host countries of the Tribunals.

III. Security Council briefings and Arria formula meeting

4. Following previous practice, the representative of Austria, in his capacity as chair, briefed the Security Council on the progress of the Working Group as part of his statements at the biannual public meetings of the Security Council on the completion strategies of the Tribunals, on 4 June (S/PV.6134) and 3 December 2009 (S/PV.6228).

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[1] For a detailed account of the activities of the Working Group during 2008 see the letter dated 19 December 2008 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council (S/2008/849); see also the annual report of the Security Council for the period from 1 August 2008 until 31 July 2009 (A/64/2), pp. 239 and 240.

5. In order to increase transparency, raise awareness and provide an opportunity to hear the views of expert speakers and the broader United Nations membership on the various key issues related to the establishment of the residual mechanism, on 8 October 2009 the Permanent Mission of Austria organized an Arria formula meeting on residual issues of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda open to all Member States of the United Nations. Invited speakers included the Presidents of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, the Assistant Secretary-General for Legal Affairs, as well as representatives of the International Committee of the Red Cross and the International Center for Transitional Justice. The meeting met with great interest from many Member States, which provided the Working Group with very useful input for its deliberations.

IV. Report of the Secretary-General on residual issues

6. On 21 May 2009, the Secretary-General submitted his report on the administrative and budgetary aspects of the options for possible locations for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the residual mechanism(s) for the Tribunals (S/2009/258), which had been requested by the Security Council in its presidential statement of 19 December 2008 (S/PRST/2008/47). The report provides valuable information about the eight potential residual functions identified by the Tribunals: (i) trial of fugitives; (ii) trial of contempt cases; (iii) protection of witnesses; (iv) review of judgements; (v) referral of cases to national jurisdictions (including revocation); (vi) supervision of enforcement of sentences; (vii) assistance to national authorities; and (viii) management of the archives.

7. The report also addresses other important issues such as the period prior to the commencement, the start date, jurisdictional continuity and duration of the mechanism(s). It discusses the potential structure and organization of the future residual mechanism(s) and provides tentative estimates for staffing and costs based on various illustrative examples of residual mechanisms where a "minimal", "middle" and "maximum" level of residual functions are carried out by the mechanism(s). It further analyses 14 potential locations for the Tribunals' archives and/or residual mechanism(s) — 13 United Nations offices in various locations plus the International Criminal Court. Finally, the report concludes with 13 concrete recommendations addressed to the Security Council and the Tribunals.

8. The report of the Secretary-General, which was prepared by the Office of Legal Affairs, has provided an excellent basis for the deliberations of the Working Group and the preparation of the new draft resolution on the establishment of the residual mechanism (see below). After a first round of discussions on the contents and recommendations of the report in July 2009, the Working Group reached agreement in September 2009 on recommendations (l) and (m), addressed to the Tribunals, in paragraph 259 of the report. By a letter dated 28 September 2009 (S/2009/496), the President of the Security Council confirmed that the Council members welcomed these recommendations and requested that the Secretary-General write to the Presidents of the Tribunals to ask that they ensure that the listed tasks are carried out as part of their completion strategies, and that they report to the Security Council on their progress in implementing these tasks as part of their regular reporting (see S/2009/587 and S/2009/589).

V. The Working Group's consideration of the future residual mechanism

9. During the first half of 2009, the Working Group met nearly every week to move forward with the discussions on the establishment of the future residual mechanism. The Group continued with an in-depth examination of the residual functions identified by the Tribunals as essential to be carried out after their closure (see para. 6 above). It also discussed the potential commencement date(s) of the mechanism(s) and its (their) structure, including whether there should be one or two mechanisms, or one mechanism with two branches, and the related questions of the possible co-location of the Tribunals' archives with the mechanism(s), and its (their) location. The discussions were informed by the chair's non-papers with input from the Tribunals, which were produced with the assistance of the Office of Legal Affairs.

10. Following the discussions on the report of the Secretary-General from July to September 2009 (see para. 8 above), during the last part of the year the Working Group resumed its negotiations on a new draft resolution on the establishment of an international residual mechanism for the tribunals prepared by the chair of the Working Group with the help of the Office of Legal Affairs, based on the recommendations contained in the report of the Secretary-General. The Working Group finished the first reading of the draft resolution in December 2009 and will resume its negotiations early next year.

11. Building on the elements agreed in 2008, as summarized in the presidential statement of 19 December 2008 (S/PRST/2008/47) and the letter dated 19 December 2008 from the Permanent Representative of Belgium,[1] the discussions in the Working Group focused on the following key issues:

(a) Structure and organization of the mechanism

12. As regards the structure of the mechanism, in the light of the different views regarding the question of whether there should be one or two mechanisms, the chair has proposed — as a possible "middle ground" — to establish one mechanism with two branches, located in Europe and Africa respectively (see also para. 13 below). In practice, as pointed out in the report of the Secretary-General, there may be little difference, because in either scenario it will be possible to share certain administrative services and organs. The report further advises to maintain the existing structure of the Tribunals, namely the chambers (including the Office of the President), the Prosecutor and the Registry. The mechanism will have active periods when there are trials ongoing and dormant periods when there are not. While there would be a need for a head of administration for each branch, the mechanism could have a single President, Prosecutor and Registrar, whose full-time presence would not be necessary during dormant periods. To ensure that the mechanism could be activated promptly and efficiently for trial, it would not only be based on a roster of judges, but would also make use of rosters of experienced staff, including legal officers, prosecution and defence counsel, interpreters and translators.

(b) Location of the mechanism and the archives

13. According to the report of the Secretary-General, a number of factors suggest strongly that the archives should be co-located with the mechanism(s) at locations in Africa and Europe. The report also notes that, given that there are other United Nations-assisted criminal tribunals which will sooner or later require residual

mechanisms with functions very similar to those of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, a longer term strategic view would suggest attaching each to one common administrative hub at some point in the future, which might be an existing United Nations office, or the International Criminal Court, as the only permanent international criminal tribunal.

(c) Commencement date of the mechanism

14. The question of the commencement date of the mechanism or its branches involves a number of complex practical and legal questions (e.g. continuity of jurisdiction and/or possible conflict of competence), since the Tribunals are unlikely to complete their trials and appeals simultaneously and some fugitives may be arrested only at a very advanced stage of completion of the Tribunals' work. Among the various options discussed is the determination of a specific start date by the Security Council or the linkage to a trigger (e.g. completion of trials and appeals). Alternatively, given the uncertainties involved, the chair has proposed to consider a two-stage approach of establishing the mechanism in principle, followed by a later decision on the commencement date(s) of the mechanism or branches.

(d) Fugitives to be tried by the mechanism

15. It is essential that the legacy of the Tribunals not be tarnished through the failure to prosecute all indictees. The ability to try fugitives will therefore be an essential function of the mechanism. There are currently 13 fugitives at large. There is agreement that the most senior fugitives must face international trial by the mechanism. However, unless by the time of closure of the Tribunals all intermediate- or lower-rank accused have successfully been referred to national jurisdictions, the Security Council will need to consider whether the residual mechanism will assume jurisdiction over all the remaining fugitives or how to ensure that they are referred to national jurisdictions willing and able to try them fairly, so that they do not enjoy impunity.

(e) Residual functions of the mechanism

16. In relation to "new" trials of fugitives by the residual mechanism, the report of the Secretary-General recommends that all the functions necessary to support the trials be transferred to the mechanism in order for it to conduct trial proceedings effectively. In relation to "old" trials conducted by the Tribunals, it is still under discussion which of these functions should be continued by the mechanism, and which might possibly be transferred to other suitable bodies, such as national jurisdictions. The need for a small and cost-effective mechanism is a key factor. Although transferring as few functions to the mechanism as possible might seem attractive, the report of the Secretary-General has also established that the number of residual functions transferred is likely to have a far less significant impact on costs than whether the mechanism is conducting a trial or not. The report also points out that the transfer of certain functions to national jurisdictions may lead to inconsistent treatment and a possible impact on the rights of individuals.

VI. Mandates of judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

17. In order to facilitate the completion strategies, the Working Group also considered various requests by the Presidents of the Tribunals, including inter alia the extension of the judges' terms of office, the redeployment of judges to the Appeals Chamber and, as a temporary measure, the appointment of additional ad litem judges. Following negotiations and agreement reached among its members, the Working Group made recommendations to the Security Council for the adoption of appropriate resolutions. As a result, the Council adopted resolutions 1877 (2009), 1878 (2009), 1900 (2009) and 1901 (2009).

18. In resolutions 1877 (2009) and 1878 (2009), adopted on 7 July 2009, the Security Council, inter alia, decided to review the extension of the terms of office of the appeals judges by 31 December 2009, extended the terms of office of specified permanent judges (and those appointed to replace them) and ad litem judges at the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda until 31 December 2010, or until the completion of the cases to which they are assigned if sooner, allowed certain ad litem judges to serve in the Tribunals beyond their maximum cumulative period of service and authorized the Secretary-General, until 31 December 2009, to appoint additional ad litem judges at the International Tribunal for the Former Yugoslavia in excess of the statutory maximum of 12 up to a maximum of 13. The Council also decided to amend the respective provisions of the Tribunals' Statutes to allow for the enlargement of the Appeals Chamber through the redeployment of trial judges.

19. In resolutions 1900 (2009) and 1901 (2009), adopted on 16 December 2009, the Security Council, inter alia, underlined its intention to extend, by 30 June 2010, the terms of office of all trial judges based on the Tribunals' projected trial schedules and the terms of office of all appeals judges until 31 December 2012, or until the completion of the cases to which they are assigned if sooner, requested the Presidents of the Tribunals to submit to the Council updated trial and appeals schedules, decided that, notwithstanding the expiry of their terms of office on 31 December 2009, two ad litem judges at the International Tribunal for the Former Yugoslavia and one permanent judge at the International Criminal Tribunal for Rwanda should complete the cases they began before the expiry of their terms of office, allowed those ad litem judges to serve in the Tribunals beyond their maximum cumulative period of service and decided that the total number of ad litem judges serving at the International Tribunal for the Former Yugoslavia might temporarily exceed the statutory maximum of 12, up to a maximum of 13, until 31 March 2010, and that the total number of ad litem judges serving at the International Criminal Tribunal for Rwanda might temporarily exceed the statutory maximum of 9, to a maximum of 12, until 31 December 2010.

VII. Conclusion

20. Austria was pleased to be asked to chair the Working Group during 2009 and stands ready to continue to facilitate its work. The Working Group has made important progress to advance the discussions on the establishment of the residual mechanism and to support the efforts of the Tribunals to implement the completion strategies. It has greatly benefited from the most valuable support and input provided by the Office of Legal Affairs and will continue to draw on their excellent

expertise in the future. In order to maintain the momentum that has been generated, it is intended that the Working Group will resume negotiations early next year and continue with the second reading of the new draft resolution on the establishment of the residual mechanism with a view to resolving the outstanding questions. As the legal advisers of the new members of the Security Council have been attending the meetings of the Working Group for the past few weeks, they will be in a position to pick up all issues without delay. With sufficient common ground and political will among the members, a consensus resolution appears to be well within grasp.

United Nations S/2009/688

Security Council

Distr.: General
31 December 2009

Original: English

Letter dated 31 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1737 (2006) (see annex), which covers the Committee's activities during the period from 1 January to 31 December 2009. The report is submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Yukio **Takasu**
Chairman
Security Council Committee established
pursuant to resolution 1737 (2006)

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Annex

Report of the Security Council Committee established pursuant to resolution 1737 (2006)

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1737 (2006) covers the period from 1 January to 31 December 2009.

2. During the reporting period, the Bureau consisted of Yukio Takasu of Japan as Chairman, with the delegations of Burkina Faso and Costa Rica providing the Vice-Chairmen. The web page of the Committee is available at: www.un.org/sc/committees/1737/index.shtml.

II. Background information

3. By its resolution 1737 (2006), the Security Council imposed certain measures relating to the Islamic Republic of Iran. These included a proliferation-sensitive nuclear-activities-related and nuclear weapon delivery systems-related embargo and targeted measures, including an assets freeze and a travel notification requirement imposed on persons and entities designated in the annex to the resolution and on any additional persons and entities designated by the Council or the Committee. The assets freeze also applies to the assets of persons or entities acting on behalf of or at the direction of designated persons or entities and of entities owned or controlled by them. In addition, the Council called upon all States to prevent specialized teaching or training of Iranian nationals in disciplines that would contribute to the Islamic Republic of Iran's proliferation-sensitive nuclear activities and the development of nuclear weapon delivery systems.

4. The Security Council Committee established pursuant to resolution 1737 (2006) was entrusted with undertaking the tasks set out in paragraph 18 of the resolution: to seek from States information regarding the actions they have taken to implement effectively the relevant measures and whatever further information it might consider useful in that regard; to seek from the International Atomic Energy Agency (IAEA) information regarding the actions taken by the Agency to implement effectively the relevant measures concerning the technical cooperation provided to the Islamic Republic of Iran by IAEA and whatever further information it might consider useful in that regard; to examine and take appropriate action on information regarding alleged violations of the relevant measures of resolution 1737 (2006); to consider and decide upon requests for exemptions from the relevant measures; to determine as may be necessary additional items the supply of which to the Islamic Republic of Iran would be prohibited; to designate as may be necessary additional individuals and entities as subject to the assets freeze and the travel notification requirement; to promulgate guidelines as may be necessary; and to report at least every 90 days to the Council.

5. By its resolution 1747 (2007), the Security Council imposed additional measures relating to the Islamic Republic of Iran. These included a ban on the export of arms and related materiel from the Islamic Republic of Iran, the designation of additional persons as subject to the assets freeze and to the travel

notification requirement, and the designation of additional entities as subject to the assets freeze. In addition, the Council called upon all States to exercise vigilance and restraint in the supply of the seven categories of conventional weapons as defined for the purposes of the United Nations Register of Conventional Arms and related services to the Islamic Republic of Iran, and called upon all States and international financial institutions not to enter into new commitments for grants, financial assistance and concessional loans to the Government of the Islamic Republic of Iran, except for humanitarian and development purposes.

6. By its resolution 1803 (2008), the Security Council imposed further measures relating to the Islamic Republic of Iran. These included the broadening of the scope of the proliferation-sensitive nuclear activities-related and nuclear weapons delivery systems-related embargo, the introduction of a travel ban on persons designated in annex I to the resolution as well as on any additional persons designated by the Council or the Committee, and the expansion of the lists of persons and entities subject to the assets freeze and of persons subject to the travel notification requirement.

7. In addition, the Security Council called upon all States to exercise vigilance with regard to publicly provided financial support for trade with the Islamic Republic of Iran and activities of their financial institutions with banks in the Islamic Republic of Iran, and, in accordance with States' national legal authorities and legislation and consistent with international law, in particular the law of the sea and relevant civil aviation agreements, to inspect the cargoes to and from the Islamic Republic of Iran of aircraft and vessels, at their airports and seaports, owned or operated by two Iranian companies, provided that there were reasonable grounds to believe that the aircraft or vessel was transporting goods prohibited under Council resolutions 1737 (2006), 1747 (2007) or 1803 (2008). In cases when the aforementioned inspection of cargoes is undertaken, the Council requires all States to submit to it within five working days a written report on the inspection.

8. By its resolution 1803 (2008), the Security Council also broadened the scope of the Committee's mandate as set out in paragraph 18 of resolution 1737 (2006), to include the measures imposed by resolutions 1747 (2007) and 1803 (2008).

9. By its resolution 1835 (2008), the Security Council reaffirmed resolutions 1737 (2006), 1747 (2007) and 1803 (2008), as well as its resolution 1696 (2006), and also reaffirmed its commitment to an early negotiated solution through a dual-track approach to the Iranian nuclear issue and welcomed the continuing efforts in that regard. The Council also called upon the Islamic Republic of Iran to comply fully and without delay with its obligations under the four aforementioned resolutions and to meet the requirements of the IAEA Board of Governors.

III. Summary of the activities of the Committee

Information received from the International Atomic Energy Agency

10. In paragraph 16 of its resolution 1737 (2006), the Security Council decided that technical cooperation provided to the Islamic Republic of Iran by IAEA or under its auspices would only be for food, agricultural, medical, safety or other humanitarian purposes, or where it was necessary for projects directly related to the items specified in subparagraphs 3 (b) (i) and (ii) of the resolution, but that no such

technical cooperation would be provided that related to the proliferation sensitive nuclear activities set out in paragraph 2 of the resolution. In subparagraph 18 (b) of resolution 1737 (2006), the Council tasked the Committee with seeking from the IAEA secretariat information regarding the actions taken by the Agency to implement effectively the measures imposed by paragraph 16, and whatever further information it might consider useful in that regard.

11. On 12 January 2009, by a letter dated 30 December 2008 from the secretariat of IAEA, the Committee received a copy of the report by the Director-General of IAEA entitled, "Technical cooperation: the Agency's proposed programme for 2009-2011", as well as an addendum to that report entitled, "Evaluation of technical cooperation to be provided to Iran during the technical cooperation cycle 2009-2011". The Board of Governors of IAEA had approved the report and concurred with the evaluation of technical cooperation to be provided to the Islamic Republic of Iran in the light of Security Council resolutions 1737 (2006), 1747 (2007) and 1803 (2008).

Implementation reports received from Member States and implementation assistance notice issued by the Committee

12. By paragraph 19 of its resolution 1737 (2006), the Security Council decided that all States would report to the Committee within 60 days of the adoption of that resolution on the steps they had taken with a view to implementing effectively paragraphs 3 to 8 and 10, 12 and 17 of the resolution. In paragraph 8 of resolution 1747 (2007), the Council called upon all States to report to the Committee within 60 days of the adoption of that resolution on the steps they had taken with a view to implementing effectively paragraphs 2 and 4 to 7 of the resolution. In paragraph 13 of resolution 1803 (2008), the Council called upon all States to report to the Committee within 60 days of the adoption of that resolution on the steps they had taken with a view to implementing effectively paragraphs 3, 5 and 7 to 11 of the resolution.

13. By the end of the reporting period, the Committee had received a total of 91 reports pursuant to resolution 1737 (2006), 78 reports pursuant to resolution 1747 (2007) and 67 reports pursuant to resolution 1803 (2008). Some of them were combined reports under two or all three resolutions. The reports were issued as official United Nations documents, unless a State requested that its report be kept confidential, and posted on the Committee's web page (see the appendix to the present report for details). The 19 May 2008 optional guidance paper to assist Member States in writing their national reports, which was reviewed by the members of the Committee but not endorsed by the Committee, can also be found on the Committee's web page.

14. On 24 July 2009, following the receipt of reports by the Committee from a Member State on a transfer of arms-related materiel from the Islamic Republic of Iran in violation of paragraph 5 of resolution 1747 (2007), the Committee approved the text of an "implementation assistance notice"; this contained information about the violation which the Committee believed might be useful to Member States in implementing their obligations under the three resolutions. The notice is available on the Committee's web page.

Notifications received from Member States

15. By paragraph 5 of resolution 1737 (2006) and paragraph 8 of resolution 1803 (2008), the Security Council requires States to notify the Committee of the supply, sale or transfer of all items, materials, equipment, goods and technology covered by document S/2006/814 the export of which to the Islamic Republic of Iran is not prohibited by subparagraph 3 (b) of 1737 (2006) and subparagraph 8 (a) of resolution 1803 (2008). During the period under review, the Committee received two notifications from a Member State of the supply of items relevant to the construction of the nuclear power plant in Bushehr, the Islamic Republic of Iran, with reference to paragraph 5 of resolution 1737 (2006).

16. Paragraph 15 of resolution 1737 (2006) provides for an exemption to the assets freeze for making or receiving payments, or authorizing the unfreezing of funds, in connection with contracts entered into prior to the listing of persons and entities referred to in the annexes to resolutions 1737 (2006), 1747 (2007) and 1803 (2008), which have been notified by the relevant States to the Committee. In 2009, the Committee received five such notifications from a Member State.

Ninety-day reports to the Security Council

17. Under the provisions of subparagraph 18 (h) of resolution 1737 (2006), the Chairman must report to the Security Council at least every 90 days on the Committee's activities. Accordingly, the Chairman briefed the Council on 10 March, 15 June, 9 September and 10 December 2009.[1]

Responses to queries received

18. As part of its role of monitoring the implementation of the measures imposed by the Security Council by resolutions 1737 (2006), 1747 (2007) and 1803 (2008), the Committee responded to three written queries from Member States and one written query from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia.

IV. Violations and alleged violations of the sanctions regime

19. During the period under review, the Committee received reports of three violations of paragraph 5 of resolution 1747 (2007) which imposed an export ban on arms and related materiel on the Islamic Republic of Iran. In line with its mandate to examine and take appropriate action on information regarding alleged sanctions violations, the Committee studied those reports carefully. All three violations, in addition to the Islamic Republic of Iran, involved one other State. All three violations also involved the Islamic Republic of Iran Shipping Lines (IRISL), which had chartered the vessel transporting the materiel from the Islamic Republic of Iran to that other State.

20. In the first instance, the Committee received a letter dated 3 February 2009 from a Member State regarding the presence of suspicious cargo, originating from

[1] See S/PV.6090, S/PV.6142 and S/PV.6235. One 90-day report (9 September) was delivered in informal consultations of the whole of the members of the Council, and the text was subsequently posted on the Committee's web site.

the Islamic Republic of Iran and destined for another State, aboard the *M/V Monchegorsk* chartered by IRISL. The vessel was redirected to an anchorage in the territorial waters of the reporting State where, in accordance with the national legislation of that State and with the consent of the captain of the ship, two on-board State inspections were conducted. According to this State, the cargo contained arms-related materiel. Following the receipt of guidance from the Committee, as sought by this State, the cargo was offloaded, further inspected and, ultimately, retained and stored by the State.

21. In the second instance, the Committee received letters dated 15 and 16 October 2009, respectively, from two Member States regarding the presence of suspicious cargo, originating from the Islamic Republic of Iran and destined for another State, aboard the *M/V Hansa India* chartered by IRISL. The vessel was redirected to a port of one of the reporting States, where the cargo was offloaded and inspected. According to this State, the cargo contained arms-related materiel. The State reported that, in line with its international obligations, it had retained, unloaded and stored the cargo, and that it would ensure that the items were neither allowed to reach their intended destination nor returned to their place of origin.

22. In the third instance, the Committee received a letter dated 18 November 2009 from a Member State regarding the presence of suspicious cargo, originating from the Islamic Republic of Iran and destined for another State, aboard the *Francop*, again shipped by IRISL. With the consent of the relevant authorities, the vessel was boarded by the navy of the reporting State, which conducted an on-board State inspection. According to this State, the cargo contained arms-related materiel. The State reported that, in line with its international obligations, it had unloaded, retained and stored the cargo, and that it would ensure that the items were neither allowed to reach their intended destination nor returned to their place of origin.

23. In response to each of these reports, the Committee dispatched letters to the two States involved in the transfer of the arms-related materiel inviting them to provide, within a specific time frame, any additional relevant information and/or an explanation for the transactions. The Committee also reminded both States of their obligation to accept and carry out the decisions of the Security Council under Article 25 of the Charter of the United Nations. To date, the Committee has received two responses from the reported State of destination, one relating to the *M/V Monchegorsk* and the other relating to the *Hansa India*. The first response did not contain any relevant information; in the second response, which arrived after the specified time frame, the reported State of destination maintained that it had found no record indicating that the *Hansa India* was destined for one of its ports, and stated that it was conducting investigations the results of which it would share with the Committee. The reported State of origin has not replied to the Committee despite repeated requests for an explanation.

24. The Committee also wrote to all four reporting Member States, expressing its appreciation, welcoming any further information they might uncover and, in two of the three cases, urging them to continue to cooperate closely with the Committee and with any other States that might be investigating the cases. Finally, the Committee wrote to the States with the reported links to the *Francop*, inviting them to provide any additional relevant information. In this connection, the flag State subsequently submitted documentation confirming that the vessel had been carrying arms-related materiel originating from the Islamic Republic of Iran.

25. As noted in paragraph 14 above, in response to the first reported violation, the Committee issued an "implementation assistance notice" which can be found on its web page.

V. Observations and conclusions

26. The primary responsibility for the implementation of the measures imposed by the Security Council rests with Member States. The Committee has noted with great concern the fact that it has received multiple reports of violations of paragraph 5 of resolution 1747 (2007) — constituting an apparent pattern of sanctions violations — involving the same States. The Committee has recalled that the violation by Member States of their obligations under the Charter is a serious matter. For its part, in facilitating and monitoring the implementation of the relevant measures, the Committee will continue to discharge its mandate as effectively and efficiently as possible, and it stands ready to consider any proposals that fall within its purview.

Appendix

List of reports received from Member States pursuant to paragraph 19 of resolution 1737 (2006), paragraph 8 of resolution 1747 (2007) and paragraph 13 of resolution 1803 (2008)

Member States	*Reports pursuant to resolution 1737 (2006)*	*Reports pursuant to resolution 1747 (2007)*	*Reports pursuant to resolution 1803 (2008)*
Albania	S/AC.50/2007/9		
Algeria	S/AC.50/2007/65 (combined report)		
Andorra	S/AC.50/2007/50		S/AC.50/2009/3
Argentina	S/AC.50/2007/57	S/AC.50/2007/57/Add.1 and 2	S/AC.50/2008/60
Australia	S/AC.50/2007/27	S/AC.50/2007/70	S/AC.50/2008/19
Austria	S/AC.50/2007/11	S/AC.50/2007/66	S/AC.50/2008/2
Azerbaijan	S/AC.50/2007/107 (combined report)		S/AC.50/2008/44
Bahrain	S/AC.50/2007/67	S/AC.50/2007/121	S/AC.50/2008/12 and Add.1
Bangladesh	S/AC.50/2007/47		
Belarus	S/AC.50/2007/41	S/AC.50/2007/77	S/AC.50/2008/16
Belgium	S/AC.50/2007/10	S/AC.50/2007/74	S/AC.50/2008/14
Brazil	S/AC.50/2007/26	S/AC.50/2007/82	S/AC.50/2008/63
Brunei Darussalam	S/AC.50/2008/1 (combined report)		S/AC.50/2008/64
Bulgaria	S/AC.50/2007/2 and Add.1	S/AC.50/2007/108 and Add.1	S/AC.50/2008/11
Cambodia	S/AC.50/2007/125		
Canada	S/AC.50/2007/33	S/AC.50/2007/75	S/AC.50/2008/5
China	S/AC.50/2007/22	S/AC.50/2007/99	S/AC.50/2008/18
Costa Rica	S/AC.50/2007/71 (combined report)		
Croatia	S/AC.50/2007/15	S/AC.50/2007/117	S/AC.50/2008/61
Cuba	S/AC.50/2007/38	S/AC.50/2007/89	S/AC.50/2008/38
Cyprus	S/AC.50/2007/128 (combined report)		S/AC.50/2008/65
Czech Republic	S/AC.50/2007/14		
Denmark	S/AC.50/2007/13	S/AC.50/2007/85	

Member States	*Reports pursuant to resolution 1737 (2006)*	*Reports pursuant to resolution 1747 (2007)*	*Reports pursuant to resolution 1803 (2008)*
Ecuador	S/AC.50/2007/129 (combined report)		
Egypt	S/AC.50/2007/59	S/AC.50/2007/68	S/AC.50/2008/3
Estonia	S/AC.50/2007/49	S/AC.50/2007/113	
Finland	S/AC.50/2007/19	S/AC.50/2007/97	S/AC.50/2008/26
France	S/AC.50/2007/17	S/AC.50/2007/84	S/AC.50/2008/39
Georgia	S/AC.50/2007/29		
Germany	S/AC.50/2007/37	S/AC.50/2007/98	S/AC.50/2008/15
Germany (on behalf of the European Union)	S/AC.50/2007/28 S/AC.50/2007/105 (combined report)		
Ghana	S/AC.50/2007/136		
Greece	S/AC.50/2007/60	S/AC.50/2007/122	
Grenada	S/AC.50/2007/140		
Guatemala	S/AC.50/2007/100 (combined report)		S/AC.50/2008/33
Hungary	S/AC.50/2007/81 (combined report)		S/AC.50/2008/59
India	S/AC.50/2007/20	S/AC.50/2007/123	S/AC.50/2008/49
Indonesia	S/AC.50/2007/5		S/AC.50/2008/10
Israel	S/AC.50/2007/141 (combined report)		S/AC.50/2009/4
Italy	S/AC.50/2007/25	S/AC.50/2007/103	S/AC.50/2008/47
Jamaica			S/AC.50/2008/21
Japan	S/AC.50/2007/16	S/AC.50/2007/79	S/AC.50/2008/24
Jordan	S/AC.50/2007/119 (combined report)		S/AC.50/2008/17
Kazakhstan	S/AC.50/2007/39	S/AC.50/2007/102	S/AC.50/2008/36
Kuwait	S/AC.50/2007/118 (combined report)		S/AC.50/2008/57 and Add.1
Kyrgyzstan	S/AC.50/2007/53	S/AC.50/2008/50	S/AC.50/2008/53
Latvia	S/AC.50/2007/62	S/AC.50/2007/91	
Libyan Arab Jamahiriya	S/AC.50/2007/61	S/AC.50/2007/69	S/AC.50/2008/51
Liechtenstein	S/AC.50/2007/31		S/AC.50/2008/27
Lithuania	S/AC.50/2007/34	S/AC.50/2007/90	S/AC.50/2008/55

Member States	*Reports pursuant to resolution 1737 (2006)*	*Reports pursuant to resolution 1747 (2007)*	*Reports pursuant to resolution 1803 (2008)*
Luxembourg	S/AC.50/2007/64		
Malta	S/AC.50/2007/7	S/AC.50/2007/63	S/AC.50/2008/35
Mauritius	S/AC.50/2007/35 and Add.1	S/AC.50/2007/106	S/AC.50/2008/58
Mexico	S/AC.50/2007/58	S/AC.50/2007/94	S/AC.50/2008/45
Monaco	S/AC.50/2007/130	S/AC.50/2007/126	
Morocco		S/AC.50/2009/2 (combined report)	
Netherlands	S/AC.50/2007/48	S/AC.50/2007/73	S/AC.50/2008/32
New Zealand	S/AC.50/2007/36	S/AC.50/2007/132	S/AC.50/2008/22
Niger	S/AC.50/2007/135 (combined report)		
Norway	S/AC.50/2007/6	S/AC.50/2007/93	S/AC.50/2008/4
Oman			S/AC.50/2008/62 (combined report)
Pakistan	S/AC.50/2007/12	S/AC.50/2007/96	S/AC.50/2008/6
Panama	S/AC.50/2007/139 (combined report)		
Peru	S/AC.50/2007/44	S/AC.50/2007/86	S/AC.50/2008/41
Philippines	S/AC.50/2007/137 (combined report)		S/AC.50/2009/1
Poland	S/AC.50/2007/43	S/AC.50/2007/95	S/AC.50/2008/37
Portugal	S/AC.50/2007/56	S/AC.50/2007/111	S/AC.50/2008/30
Qatar	S/AC.50/2007/24 and Add.1	S/AC.50/2007/87	S/AC.50/2008/25
Republic of Korea	S/AC.50/2007/51	S/AC.50/2007/115	S/AC.50/2008/28
Republic of Moldova	S/AC.50/2007/127 (combined report)		
Romania	S/AC.50/2007/30	S/AC.50/2007/101	S/AC.50/2008/52
Russian Federation	S/AC.50/2007/8 and Add.1	S/AC.50/2007/92 and Add.1	S/AC.50/2008/13 and Add.1
Saudi Arabia	S/AC.50/2007/120		S/AC.50/2008/56
Serbia	S/AC.50/2007/52	S/AC.50/2007/131	
Singapore	S/AC.50/2007/45	S/AC.50/2007/116	S/AC.50/2008/43
Slovakia	S/AC.50/2007/42	S/AC.50/2007/78	S/AC.50/2008/9
Slovenia	S/AC.50/2007/23		S/AC.50/2008/54

Member States	*Reports pursuant to resolution 1737 (2006)*	*Reports pursuant to resolution 1747 (2007)*	*Reports pursuant to resolution 1803 (2008)*
South Africa	S/AC.50/2007/4	S/AC.50/2008/40 (combined report)	
Spain	S/AC.50/2007/55	S/AC.50/2007/112	S/AC.50/2008/46
Sri Lanka		S/AC.50/2007/133	
Suriname	S/AC.50/2007/138 (combined report)		
Sweden	S/AC.50/2007/21	S/AC.50/2007/83	
Switzerland	S/AC.50/2007/40	S/AC.50/2007/109	S/AC.50/2008/20
Thailand	Not published	Not published	S/AC.50/2008/29
The former Yugoslav Republic of Macedonia	S/AC.50/2007/1	S/AC.50/2007/114	S/AC.50/2008/42
Turkey	S/AC.50/2007/32		
Ukraine	S/AC.50/2007/80 and Add.1 (combined report)		S/AC.50/2008/7
United Arab Emirates	S/AC.50/2007/46	S/AC.50/2007/104	
United Kingdom of Great Britain and Northern Ireland	S/AC.50/2007/3	S/AC.50/2007/72	S/AC.50/2008/31
United States of America	S/AC.50/2007/18	S/AC.50/2007/88	S/AC.50/2008/34
Uruguay		S/AC.50/2007/134 and Add.1	S/AC.50/2008/8
Uzbekistan	S/AC.50/2007/124 (combined report)		S/AC.50/2008/23
Viet Nam	S/AC.50/2007/54	S/AC.50/2007/110	S/AC.50/2008/48
Yemen	S/AC.50/2007/76		

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Security Council

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Letter dated 31 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, containing an account of the Committee's activities from 1 January to 31 December 2009 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

In this connection, I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Claude **Heller**
Chairman
Security Council Committee established pursuant to
resolution 1572 (2004) concerning Côte d'Ivoire

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Annex

[Original: English]

Report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire covers the period from 1 January to 31 December 2009.

2. For 2009, the Bureau consisted of Mr. Claude Heller (Mexico) as Chairman, and representatives of the delegations of Austria and Uganda as Vice-Chairmen (S/2009/2).

II. Background

3. The Security Council, by its resolution 1572 (2004), imposed an arms embargo, with immediate effect, as well as travel restrictions and an assets freeze on designated individuals and entities, to take effect on 15 December 2004.

4. By paragraph 14 of its resolution 1572 (2004), the Security Council established a Sanctions Committee: (a) to designate and make public a list of individuals and entities subject to the targeted measures; (b) to seek information from States and entities on their implementation of the measures; (c) to consider and decide upon requests for exemptions to the arms embargo and other targeted measures; (d) to promulgate guidelines for the conduct of the Committee's work; and (e) to report to the Council regularly on its work, with recommendations and observations on ways to strengthen the effectiveness of the measures.

5. By its resolution 1584 (2005), the Security Council authorized the United Nations Operation in Côte d'Ivoire (UNOCI) and the supporting French forces to monitor the arms embargo imposed by resolution 1572 (2004), which required all States to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire of arms or any related materiel as well as the provision of any assistance, advice or training related to military activities.

6. By its resolution 1584 (2005), the Security Council also requested the Secretary-General, in consultation with the Committee, to create a group of experts to, inter alia, examine and analyse the information gathered by UNOCI and the French forces in the context of their respective monitoring mandates; gather and analyse all relevant information in Côte d'Ivoire, countries of the region and, as necessary, in other countries, on violations of the arms embargo; and consider and recommend ways of improving the capabilities of States, in particular those in the region, to ensure the effective implementation of the measures imposed. On 23 September 2005, the Group of Experts submitted its report (S/2005/699) to the Committee, and on 18 October 2005, by its resolution 1632 (2005), the Council extended the Group's mandate until 15 December 2005, pursuant to which, on 29 November 2005, the Group submitted its update report (S/2006/204) to the Committee.

7. By its resolution 1643 (2005), the Security Council renewed the arms embargo, as well as the travel ban and the assets freeze imposed, respectively, by paragraphs 9 and 11 of its resolution 1572 (2004). By paragraph 6 of its resolution 1643 (2005), the Council imposed an embargo on the import of all rough diamonds from Côte d'Ivoire. By paragraph 9 of the same resolution, the Council requested the Secretary-General to establish an expanded Group of Experts for six months with the additional task of monitoring the embargo on diamonds. The Group of Experts submitted its report to the Committee on 16 August 2006 (S/2006/735).

8. By paragraph 4 of resolution 1643 (2005), the Council decided that any obstacle to the freedom of movement of UNOCI and the French forces, or any attack on or obstruction to the action of UNOCI, the French forces, the High Representative for the elections or of the International Working Group constituted a threat to the peace and national reconciliation process for the purposes of the measures imposed by paragraphs 9 and 11 of resolution 1572 (2004).

9. On 14 September 2006, by its resolution 1708 (2006), the Security Council extended the mandate of the Group of Experts until 15 December 2006 and requested the Group to submit a brief written update to the Council through the Committee prior to 1 December 2006 on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraphs 4 and 6 of resolution 1643 (2005), with recommendations in that regard. The Group of Experts submitted its update report to the Committee on 27 November 2006 (S/2006/964).

10. On 15 December 2006, by its resolution 1727 (2006), the Security Council renewed the arms embargo, travel and financial sanctions as well as the embargo on the import of all rough diamonds originating in Côte d'Ivoire until 31 October 2007. By paragraph 7 of the same resolution, the Council decided to extend the mandate of the Group of Experts for a further six months. The Group was requested to report to the Council in writing, before 15 June 2007, through the Committee, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). The Group submitted its report to the Committee on 11 June 2007 (S/2007/349).

11. On 20 June 2007, by its resolution 1761 (2007), the Security Council decided to extend the mandate of the Group of Experts, as set out in its resolution 1727 (2006), until 31 October 2007. By paragraph 2 of the same resolution, the Council requested the Group to submit a written update to the Council, through the Committee, before 15 October 2007, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), and paragraphs 4 and 6 of resolution 1643 (2005). The Group submitted its report to the Committee on 21 September 2007 (S/2007/611).

12. On 29 October 2007, by its resolution 1782 (2007), the Security Council renewed the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005) until 31 October 2008. By paragraph 8 of the same resolution, the Council decided to extend the mandate of the Group of Experts, as set out in paragraph 7 of its resolution 1727 (2006), until 31 October 2008. The Council requested the Group to provide a midterm report to the Committee by 15 April 2008 and to submit a final written report to the Council, through the Committee, 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and

paragraph 6 of resolution 1643 (2005), as well as recommendations in this regard. The Group submitted its midterm report to the Committee on 20 March 2008 (S/2008/235) and its final report on 15 September 2008 (S/2008/598).

13. On 29 October 2008, by its resolution 1842 (2008), the Security Council renewed the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005) until 31 October 2009. By paragraph 10 of the same resolution, the Council decided to extend the mandate of the Group of Experts, as set out in paragraph 7 of its resolution 1727 (2006), until 31 October 2009. The Council requested the Group to provide a midterm report to the Committee by 15 April 2009 and to submit a final written report to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard. The Group submitted its midterm report to the Committee on 20 March 2009 (S/2009/188) and its final report on 15 September 2009 (S/2009/521).

14. On 29 October 2009, by its resolution 1893 (2009), the Security Council renewed the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005) until 31 October 2010. By paragraph 10 of the same resolution, the Council decided to extend the mandate of the Group of Experts, as set out in paragraph 7 of resolution 1727 (2006), until 31 October 2010. The Council requested the Group to provide a midterm report to the Committee by 15 April 2010 and to submit a final written report to the Security Council, through the Committee, 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard.

III. Summary of the activities of the Committee

15. In the course of 2009, the Committee held seven informal consultations (15 January, 27 March, 8 April, 14 May, 15 July, 7 October and 18 December).

16. On 20 March 2009, the Group of Experts submitted its midterm report (S/2009/188) to the members of the Committee. Subsequently, the Group presented the midterm report to Committee members during the Committee's informal consultations on 8 April 2009. At the same meeting, the Committee members also discussed the observations and recommendations contained in the report. During the consultations of the Security Council on 28 April 2009, the Chairman briefed the members of the Council on the main findings contained in the report as well as the Committee's discussions of the Group's report and its recommendations. On 4 and 5 May 2009, the Committee, in following up on the recommendations contained in the report, dispatched letters drawing attention to relevant paragraphs contained in the Group's midterm report to the Permanent Representatives of Côte d'Ivoire, Ghana, Guinea, India, Israel, Italy, Liberia, the Libyan Arab Jamahiriya, Mali and South Africa to the United Nations, as well as to representatives of the Kimberly Process, the Kimberly Process Working Group of Diamonds Experts, the International Monetary Fund (IMF), the Organization for Security and Cooperation in Europe (OECD), the Wassenaar Arrangement, the World Bank and the World

Customs Organization. Letters were also sent to the Under-Secretary-General for Peacekeeping Operations and the representatives of the following private companies: Archer Daniels Midland, Canadian Natural Resources, Devon Energy Corporation and Groupe CEMOI. Furthermore, on 1 May 2009, the Committee transmitted a note verbale to all Member States drawing their attention to relevant paragraphs contained in the Group's midterm report. Subsequently, the Committee received replies to its letters from the Head of secretariat of the Wassenaar Arrangement, on 13 May 2009, the Executive Vice-President of Devon Energy Corporation, on 28 May 2009, and the Under-Secretary-General for Peacekeeping Operations on 7 July 2009.

17. On 27 April 2009, the Committee received a letter dated 24 April 2009 from the Permanent Representative of Côte d'Ivoire to the United Nations, transmitting a request for the de-listing of one of the listed individuals, in accordance with paragraph 6 (a) of resolution 1730 (2006). In his letter dated 29 May 2009 addressed to the Permanent Representative of Côte d'Ivoire, the Chairman of the Committee indicated that there was no consensus to remove the individual from the list.

18. On 22 July 2009, the Committee received a note verbale dated 14 July 2009 from the Permanent Mission of Côte d'Ivoire to the United Nations transmitting two requests for exemptions to the arms embargo (from the Minister of Defence and the Minister of the Interior of Côte d'Ivoire), in accordance with paragraphs 8 (b) and (e) of Security Council resolution 1572 (2004). In a letter dated 30 July 2009, the Chairman of the Committee informed the Permanent Representative of Côte d'Ivoire that, in accordance with paragraph 21 of the Guidelines of the Committee for the conduct of its work,[1] "requests for advance approval by the Committee, and notifications to the Committee, shall be submitted in writing to the Chairman by the Permanent or Observer Mission of the State or the international organization or agency supplying the equipment".

19. On 15 September 2009, the Group of Experts submitted its final report (S/2009/521) to the members of the Committee. Subsequently, the Group presented the final report during the Committee's informal consultations on 7 October 2009. At the same meeting, Committee members also discussed the observations and recommendations contained in the report. During the Security Council's consultations on 27 October 2009, the Chairman briefed the members of the Council on the main findings contained in the report and on the Committee's discussions of the Group's report and its recommendations. On 19 November 2009, the Committee, in following up on the recommendations contained in the report, dispatched letters to the Permanent Representatives of Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Israel, Lebanon, Liberia and Mali to the United Nations; as well as to the Chairperson of the Kimberley Process, the Under-Secretary-General for Peacekeeping Operations, representatives of the Agency for the Safety of Aerial Navigation in Africa and Madagascar (ASECNA), the Abidjan Airport Management Company, the Economic Community of West African States (ECOWAS) and the International Cocoa Organization (ICCO), drawing their attention to relevant paragraphs in the Group's final report. Furthermore, on 12 November 2009, the Committee sent a note verbale to all Member States drawing their attention to relevant paragraphs in the Group's final report and transmitting the list of sanctioned individuals.

[1] http://www.un.org/sc/committees/1572/pdf/guidelines_ci_eng.pdf.

20. During the reporting period, the Committee considered 10 monthly arms embargo and media monitoring reports, which are prepared by UNOCI in accordance with paragraphs 2 and 9 of resolution 1584 (2005) and paragraph 6 of resolution 1572 (2004). The Committee also considered five quarterly UNOCI human rights reports (three reports from 2009 and two from 2008).

IV. Violations and alleged violations of the sanctions regime

21. In its midterm report of 8 April 2009 (S/2009/188), the Group of Experts on Côte d'Ivoire observed, inter alia, that several years of north-south polarization had introduced new political and economic tensions into the crisis. The north of the country was fractured into a series of politico-military commands, which competed (sometimes violently) for control over natural resources and commerce. Elements both within the Ivorian Government and the Forces nouvelles operated powerful economic networks and, despite the arms embargo, the parties to the conflict remained sufficiently heavily armed to engage in sustained armed hostilities, and some were also rearming.

22. In its final report (S/2009/521), the Group of Experts on Côte d'Ivoire noted that the Government of Côte d'Ivoire might face potentially violent political opposition in the south of the country, which could have prompted efforts to import arms and related materiel in the near future. Northern Côte d'Ivoire currently bore more resemblance to a warlord economy than to a functioning government administration. Largely independent military "zone commanders" of the former rebel forces, the Forces nouvelles controlled and exploited natural resources, providing both motive and means to sustain territorial control in northern Côte d'Ivoire.

23. The Group identified seven separate cases in which the Government of Côte d'Ivoire and the Forces nouvelles had acquired arms and related materiel in breach of the sanctions regime. The Committee was particularly concerned by the systematic transfer of weapons and ammunition to the Forces nouvelles-controlled north of the country, which may be linked to cocoa smuggling. Military aircraft belonging to the Government of Côte d'Ivoire remained largely inoperable, but the Group remained vigilant to the potential for foreign-assisted rehabilitation or acquisition of air assets.

24. Concerning the sector of finance and natural resources, the Group highlighted the fact that the Government of Côte d'Ivoire controlled the world's largest share of cocoa production. Its management of cocoa revenues remained opaque, and the Group noted suspicious cases linking the Government's cocoa revenues to the purchase of military materiel. Ten Forces nouvelles zone commanders controlled the world's seventh largest cocoa producing region and benefited from large-scale cocoa smuggling. They also levied taxes on a range of other natural resources and road commerce.

25. The Group also observed intensified diamond mining in northern Côte d'Ivoire, and pointed out that the development of new mining technologies created a market-driven imperative to export Ivorian rough diamonds in contravention of the sanctions regime. The absence of effective border controls in Burkina Faso and Mali allowed the rough diamond trade in Côte d'Ivoire to extend, almost seamlessly, into these countries. An unexplained rise in Guinea's exports of rough diamonds, and its

weak system of internal controls, suggested that there is a high risk that Ivorian diamonds may be illegally exported through Guinea. The Group expressed similar concerns with regard to Liberia.

26. In the area of customs, the Group noted that the Government of Côte d'Ivoire had not yet introduced the necessary regulatory measures to prevent the import or export of items prohibited by the sanctions regime. The Forces nouvelles had not established a functioning customs regime in the territories under its control.

27. In connection with the individual sanctions, the Group determined that two of the three individuals subject to the assets freeze and the travel bans had continued to access and accrue revenues despite the sanctions imposed on them.

V. Observations and conclusions

28. The primary responsibility for the implementation of the measures imposed by the Security Council rests with Member States. For its part, in facilitating and monitoring the implementation of the relevant measures, the Committee has greatly benefited from the information provided by the Group of Experts, UNOCI and other sources, which has proven to be a useful tool to the Committee in deciding upon appropriate actions. The Committee remains committed to discharging its mandate as effectively and as efficiently as possible.